

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TAMECUS REED,

Plaintiff,

v.

M. MIGUEL, et al.,

Defendants.

No. 1:20-cv-00121-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 13)

Plaintiff Tamecus Reed is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 8, 2020, the assigned magistrate judge filed a screening order, finding that plaintiff's complaint states cognizable retaliation claims against Defendants Miguel and Sasin, but that its remaining claims were not cognizable. (Doc. No. 10.) The magistrate judge, therefore, directed plaintiff to file a first amended complaint curing the deficiencies in his pleading or notify the court of his desire to proceed only on the claims found cognizable. (*Id.* at 7.) Pursuant to the screening order, plaintiff filed a notice that he wishes to proceed only on the claims found cognizable and to "dismiss [his] due process claim and dismiss Beltran and Cotter as defendants." (Doc. No. 11.)

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1 Accordingly, on June 8, 2020, the magistrate judge filed findings and recommendations,
2 recommending that plaintiff's due process and Defendants Beltran and Cotter be dismissed.
3 (Doc. No. 13.) The findings and recommendations were served on plaintiff and provided him
4 fourteen (14) days to file objections thereto. (*Id.* at 2.) Plaintiff has not filed objections and the
5 time do so has passed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
7 *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and
8 recommendations to be supported by the record and proper analysis.

9 Accordingly,

- 10 1. The findings and recommendations issued on June 8, 2020 (Doc. No. 13) are
11 adopted in full;
- 12 2. Defendants Beltran and Cotter are dismissed;
- 13 3. Plaintiff's due process claim (Claim II of the complaint) is dismissed; and,
- 14 4. This case is referred back to the assigned magistrate judge for further proceedings.

15
16 IT IS SO ORDERED.

17 Dated: July 11, 2020


UNITED STATES DISTRICT JUDGE